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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/972,565	10/05/2001	Marc E. Enright JR.	A34572	5365
22930	7590	05/19/2004	EXAMINER	
HOWREY SIMON ARNOLD & WHITE LLP BOX 34 1299 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004				MEREK, JOSEPH C
		ART UNIT		PAPER NUMBER
		3727		

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/972,565	ENRIGHT, MARC E.	
	Examiner	Art Unit	
	Joseph C. Merek	3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 13 February 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 10-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 10-19 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10-15 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Becker et al (US 3,937,353). Regarding claim 10, there is no structure that is required by the limitations that is not in the reference. 124 is affixed to the tank wall and is part of the first component. Part of the second component is 110 that is fixed to the support 104. The first support structure that connects the first and second components is parts 125 and 126. The first support has groove that receives 124 which permits sliding in the horizontal direction. The bracket is 126. The parts 125 and 128 allow for sliding in a direction that is orthogonal to the direction allowed between 124 and 125. See Fig. 4 where the plurality of lower supports which provide support in the vertical direction that is the same as the movement between 125 and 128. Regarding claim 11, the lower supports are capable of providing support in the vertical direction. Regarding claims 12 and 13, there are three components in the lower supports. They provide sliding motion in the horizontal direction. Regarding claim 14, see Fig. 5, where the array of stiffeners is shown as the round circles. They are capable of stiffening the wall 104. Regarding claim 15, the first support 1103 is load-bearing components that is capable of thermally

insulating the tank. Regarding claim 17, the supports allow for movement in the vertical and horizontal directions.

Claims 10-16 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Cavanna et al (US 4,156,492). Regarding claim 10, see Fig. 1-6 and Col. 5, lines 14-33. Figs. 6 shown that there can be movement between the first and second supports in a direction that is orthogonal to the first direction. Regarding claim 11, the lower plurality of supports will support the tank in a vertical direction. Regarding claims 12 and 13, see Fig. 4, where the 74 is the third member secured to the tank wall 80 is the third member secured to the support structure 14. Regarding claim 14, see fig. 1 where the stiffeners are shown which satisfies the limitation array. Regarding claim 15, 66 is load bearing the insulating. Regarding claim 16, 62 substantially enclose 66. Regarding claim 19, some of the supports are on the horizontal centerline of the tank.

Claims 10, 11, 15, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Alleaume (US 3,853,240). Regarding claim 10, see Figs. 1-4 and Col. 4, lines 24-26 where the vertical suspension system is described. The side supports allow for movement between in two directions. The vertical support is not required on the sidewall supports. Regarding claim 11, the plurality of supports discussed in Col. 4 provide vertical support. Regarding claim 15, see Col. 6, lines 53-62, where the insulating material can be used between items 116 and 119. This is the first support. Regarding claim 18, see Fig. 1, where the supports are above and below the horizontal line.

Response to Arguments

Applicant's arguments filed 2/13/043/03 have been fully considered but they are not persuasive. From the above discussion of the claims the references still read on the new claims as discussed above. The references do not lack any structure that is required by the claim limitations.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph C. Merek whose telephone number is (703) 305-0644. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee Young can be reached on (703) 308-2572. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joseph C. Merek
Patent Examiner
May 17, 2004